

1 **LEW BRANDON, JR., ESQ.**

Nevada Bar No. 5880

2 **KRIS D. KLINGENSMITH, ESQ.**

Nevada Bar No. 13904

3 **MORAN BRANDON BENDAVID MORAN**

4 630 S. Fourth Street

Las Vegas, Nevada 89101

5 (702) 384-8424

6 (702) 384-6568 - *facsimile*

l.brandon@moranlawfirm.com

7 Attorneys for Defendant,

8 ALBERTSONS, LLC

9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 SILVIA SANDOVAL,

11 Plaintiff,

12 v.

13 ALBERTSONS, LLC d/b/a

14 ALBERTSONS; DOES I – X, and ROE

15 CORPORATIONS I - X, inclusive,

16 Defendants.

CASE NO.:

17 **DEFENDANT, ALBERTSONS, LLC.'S NOTICE OF REMOVAL OF ACTION TO**
18 **UNITED STATES DISTRICT COURT UNDER 28 USC § 1441(a)**

19 Defendant, ALBERTSONS, LLC., by its undersigned attorneys, LEW BRANDON, JR.,
20 ESQ. and KRIS D. KLINGENSMITH, ESQ. of MORAN BRANDON BENDAVID MORAN,
21 hereby removes the above-captioned case to the United States District Court, Clark County,
22 Nevada, where the action is now pending, pursuant to 28 USC § 1441 (a) and states as follows:

23 1. The above entitled action was commenced in the Eighth Judicial District Court,
24 Clark County, State of Nevada on February 2, 2017, bearing Case No. A-17-750493-C. The
25 action is now pending in the Eighth Judicial District Court, Clark County, State of Nevada.
26



MORAN BRANDON
BENDAVID MORAN
ATTORNEYS AT LAW

630 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
FAX: (702) 384-6568

1 2. Plaintiff filed her initial Complaint on or about February 2, 2017. Plaintiff's
2 Complaint fails to state that this case is one which is or has become removable. *See Harris v.*
3 *Bankers Life & Cas. Co.*, 425 F.3d 689 (9th Cir. 2005).

4 3. On March 27, 2017, Plaintiff served upon Defendant, Albertsons, LLC., her
5 Petition for Exemption from Arbitration, wherein Plaintiff alleges that she sustained medical
6 expenses of approximately Eighty-Seven Thousand One Hundred Sixty-Eight Dollars
7 (\$87,168.00). This Notice of Removal was filed timely as it was filed within thirty (30) days of
8 service of the Petition for Exemption from Arbitration upon Albertsons, LLC, which was the
9 first motion, order or other paper from which it could first be ascertained that this case is one
10 which is or has become removable. *See* 28 U.S.C. 1446(b); *Harris*, 425 F.3d 689.

11 4. Pursuant to Fed. R. Civ. P. 6 (a), the last day of the thirty (30) day period set
12 forth under 28 U.S.C. 1446(b) is April 26, 2017. *See* 28 U.S.C. 1446(b); *Harris v. Bankers Life*
13 *& Cas. Co.*, 425 F.3d 689 (9th Cir. 2005).

14 5. This action concerns an allegation that the Defendant was negligent in creating a
15 dangerous condition, causing injury to Plaintiff.

16 6. At the commencement of this action and at the time of the filing of this Notice of
17 Removal, Plaintiff, SILVIA SANDOVAL was, and now is, a citizen of the State of Nevada.

18 7. At the commencement of this action and at all times herein, Defendant,
19 ALBERTSONS, LLC. was, and now is, a limited liability company duly organized and existing
20 under the laws of the State of Delaware with its principal place of business in Boise, Idaho, and
21 therefore, is a citizen of the State of Delaware and Idaho.

22 8. Upon information and belief, Plaintiff, SILVIA SANDOVAL's medical specials
23 and unknown future medical specials are approximately Eighty-Seven Thousand One Hundred
24 and unknown future medical specials are approximately Eighty-Seven Thousand One Hundred
25 and unknown future medical specials are approximately Eighty-Seven Thousand One Hundred
26 and unknown future medical specials are approximately Eighty-Seven Thousand One Hundred
27 and unknown future medical specials are approximately Eighty-Seven Thousand One Hundred
28 and unknown future medical specials are approximately Eighty-Seven Thousand One Hundred



MORAN BRANDON
BENDAVID MORAN
ATTORNEYS AT LAW

630 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
FAX: (702) 384-6568

1 Sixty-Eight Dollars (\$87,168.00). As a result, the amount in controversy exceeds Seventy-Five
2 Thousand Dollars (\$75,000.00).

3 9. The United States District Court for the District of Nevada has original
4 jurisdiction pursuant to 28 U.S.C. § 1332 in that the parties are citizens of different States and
5 the amount in controversy exceeds the sum or value of Seventy-Five Thousand Dollars
6 (\$75,000.00) exclusive of interests and costs.

8 10. Accordingly, Plaintiff's Complaint is removal pursuant to 28 U.S.C. 1441, which
9 provides that a defendant may remove a case over which the federal court has original
10 jurisdiction.

11 11. A copy of all process and pleadings served upon the Defendant is attached hereto
12 as Exhibit "1."

13 WHEREFORE, Defendant, ALBERTSONS, LLC., a Delaware limited liability
14 company respectfully requests that this action proceed in this Court as an action properly
15 removed to it.
16

17 DATED this 3rd day of April, 2017.

18
19 **MORAN BRANDON BENDAVID MORAN**

20 /s/ Lew Brandon, Jr., Esq.

21 **LEW BRANDON, JR., ESQ.**

22 Nevada Bar No. 5880

23 **KRIS D. KLINGENSMITH, ESQ.**

24 Nevada Bar No. 13904

25 630 S. Fourth Street

26 Las Vegas, Nevada 89101

27 Attorneys for Defendant,

28 **ALBERTSONS, LLC.**



MORAN BRANDON
BENDAVID MORAN
ATTORNEYS AT LAW

630 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
FAX: (702) 384-6568

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that on the 3rd day of April, 2017, I served the foregoing **DEFENDANT, ALBERTSONS, LLC.'S NOTICE OF REMOVAL OF ACTION TO UNITED STATES DISTRICT COURT UNDER 28 USC § 1441(a)** via the Court's electronic filing and service systems to all parties on the current service list.

ALEX J. DE CASTROVERDE, ESQ.

Nevada Bar No. 6950

ORLANDO DE CASTROVERDE, ESQ.

Nevada Bar No. 7320

DE CASTROVERDE LAW GROUP

1149 South Maryland Parkway

Las Vegas, Nevada 89104

(702) 383-0606

(702) 383-8741 – Facsimile

alex@decastroverdelaw.com

orlando@decastroverdelaw.com

Attorneys for Plaintiff,

SILVIA SANDOVAL


/s/ Darcy Flores-Laguna

An Employee of Moran Brandon Bendavid Moran



MORAN BRANDON
BENDAVID MORAN
ATTORNEYS AT LAW

630 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
FAX: (702) 384-6568